

THE EFFECTIVE DATE OF THIS ORDINANCE IS July 1, 2005

ORDINANCE NO. 05-17-378

Re: To Amend the Frederick County Personnel Rules

PREAMBLE

The Board of County Commissioners adopted Personnel Rules for Frederick County on June 1, 1976, by Ordinance No. 76-8-68. The Personnel Rules have been amended several times since then by Ordinance.

The Board of County Commissioners held a duly advertised public hearing on the proposed changes to the Frederick County Personnel Rules on June 7, 2005. Public comment was permitted at this public meeting.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Personnel Rules are hereby amended to read as shown on the attached Rules.

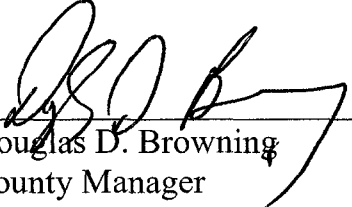
AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, that this Ordinance shall take effect on July 1, 2005, or after a copy of the Ordinance has been filed with the Clerk of the Court and a fair summary of the Ordinance has been published in at least one newspaper of general circulation, pursuant to Section 4(b) of Article 25 of the Annotated Code of Maryland, whichever shall last occur.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.


The undersigned hereby certifies that this Ordinance was approved and adopted on the 23rd day of June, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Douglas D. Browning
County Manager



John L. Thompson, Jr.
President

LBT

PROPOSED CHANGES TO FREDERICK COUNTY PERSONNEL RULES FEBRUARY 2005

COVER: Change Amended date to new approval date.

ORDINANCE NO. will be updated at the bottom of the page and the footer changed to reflect the new adoption date.

TABLE OF CONTENTS and INDEX will be updated to reflect changes to page numbers.

CHAPTER 1 A new Section 13 has been added to describe circumstances under which the County will not employ relatives of other County employees.

Sections 14 and 15 have been re-numbered to keep them in sequence.

CHAPTER 3 Section 3A has been changed to reflect a change in salary increase percentages for promotions.

Section 4 has been changed to reflect a change in salary increase percentages for upgrades.

Section 5 applies the changes from Section 3A to Acting Capacity Pay and describes how salary is adjusted at the end of an acting capacity assignment.

Section 6 has been changed to reflect a change in maximum salary decrease percentages for Involuntary and Voluntary Demotions, and to clarify the language about position grading. Language has been added to section 6B about returning to the previous job after a promotion.

Section 8 heading has been changed to be more descriptive.

CHAPTER 7 The opening paragraph has been changed to clarify who is covered, to include a definition of Separation Date and to describe the related impact on Holiday and Annual leave.

CHAPTER 8 Section 5 has been changed to reflect a change in salary increase percentages for reclassification.

CHAPTER 10 Section 3 has been modified with some changes to numbering of subsections 4 to 7 to alpha D to G and to add language in a new section H stating that an employee must work after the holiday to receive Holiday pay.

Section 4F has been modified to include language about the "run out" of Annual leave.

Section 11 has the heading changed to boldface.

CHAPTER 11 Language has been added in Sections 4, 6 and 7 to be more accurate and descriptive, but not change the benefits offered.

CHAPTER 12 An introduction has been added with language that clarifies when a regular employee is eligible for the Employee Educational Program, and states when the change will be effective.

Section 1 title has been changed. Sections A, B and C describe improvements and changes to benefits directly related to grades earned and provides one benefit structure for the program regardless of the accredited school that is attended. Section C increases the maximum annual benefit under the program.

Section 2 has been clarified to show procedures specific to each plan, and to remove language about specific payment processes.

Section 3 clarifies when employees are expected to reimburse the County for an educational reimbursement received.

CHAPTER I
GENERAL PROVISIONS

Section 1 - Authority

These Personnel Rules do not limit the authority of the Board of County Commissioners or other appointing authority to regulate the competent and efficient operation and management of the Frederick County Government.

Section 2 - Purpose

The purpose of these rules is to establish procedures which will serve as a guide to administer action concerning the various personnel activities and transactions. They are intended to provide the most reasonable methods whereby the aims of the personnel program can be carried out.

Section 3 - Positions Covered

These rules shall cover all employees who are appointed or paid by the Board of County Commissioners on an hourly, weekly, monthly, or yearly rate except as otherwise provided herein (refer to Chapter IV).

Section 4 - Funding of Benefits

All benefits are subject to the allocation of funds by the Board of County Commissioners.

Section 5 - Administration

These rules shall be administered by the Director of Human Resources under the direction of the Board of County Commissioners.

Section 6 - Interpretation

These rules are intended to cover most personnel situations and actions for which the Board of County Commissioners is responsible. Those personnel situations and actions not specifically covered shall be handled by the Director of Human Resources in keeping with the intent and the objectives of these rules.

Section 7 - Authorized Representative

When an action is required by a person occupying any position referred to herein, in the absence of such person, his/her duly authorized representative may act. The term "Division Director" as used in these Personnel Rules where appropriate includes Division Directors, Department Heads, Agency Directors or the designee of any of these.

Section 8 - Publication and Distribution

These rules shall be published in booklet form and be made available to all County employees and their representatives.

Section 9 - Employees of Frederick County Sheriff's Office

All employees appointed by the Frederick County Sheriff are subject to these rules except as follows: a) these employees are not subject to Chapter III, Section 9; Chapter IV, Section 3; Chapter VIII, Section 4; and Chapter X, Section 3; and b) to the extent the Law Enforcement Officers Bill of Rights (LEOBR) applies, LEOBR shall prevail. The Frederick County Sheriff's Office policies and procedures shall constitute the County Personnel regulations for those matters covered in subsection a (above). In all other respects these Personnel Rules shall apply to the employees appointed by the Sheriff.

Section 10 - Employees of Frederick County Public Libraries

Employees in the Frederick County Public Libraries (FCPL) system are under the authority of the FCPL Board of Trustees. FCPL has adopted the Frederick County Personnel Rules except where those rules conflict with state law relating to public libraries or with FCPL personnel procedures.

Section 11 - Employees of Frederick County State's Attorney Office

These rules do not apply to the employees appointed by the Frederick County State's Attorney except to the extent that the State's Attorney elects to have the rules apply or as otherwise required by law.

Section 12 - Directors

By separate resolution (Resolution 97-09 as amended from time to time), the Directors (as listed in that separate resolution) are not subject to Chapters VI, VII and IX of these rules.

Chapter I - General Provisions

Section 13 – Employment of Relatives

An employee's relatives, as defined in this section, will not be employed by the County under any of the following circumstances:

- A. Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;**
- B. Where one of the parties would be directly responsible for auditing or evaluating the work of the other; or**
- C. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the County.**

"Relatives" include an employee's parent, in-laws, child, dependent, spouse, brother and sister.

The effective date of this rule is (date), and employees in jobs with relationships that conflict with this rule on the effective date will be permitted to continue working in those jobs and be grandfathered from this change. If the relationship between two employees changes after the effective date and puts them in one of the above listed circumstances, a decision about employment status will be made on a case-by-case basis.

Section ■[13] - Intra-Departmental Rules

- A. Because of the varied nature of the many departments of the County, it may be necessary for a Division Director to establish specific intra-departmental rules necessary for the operation of that department and which may apply only to that department.**
- B. Such intra-departmental rules may be prepared and implemented by a Division Director but such rules must be in writing. A copy of such rules must be distributed to every employee of the department and be filed with the Director of Human Resources.**
- C. Intra-departmental rules may not conflict with the County Personnel Rules. If there is a conflict, County Personnel Rules prevail.**

Section ■[14] – Board of County Commissioners Involvement

Except as allowed in Chapter IX or where the Board of County Commissioners is the direct appointing authority (i.e. employees under their direct supervision), the Board will not intervene in the hiring or promotional process, discipline or dismissal of Frederick County Government employees covered by these rules.

CHAPTER III
COMPENSATION PLAN

Section 1 - Composition

The salary schedules as adopted by the Board of County Commissioners as a part of the annual budgeting process shall constitute the grades and rates of pay for all classifications in the County Classification Plan and represent the rates of pay applicable to the positions for annual full-time employment based on the standard work week for those positions.

- A. The rates of pay for "non-classified positions" are not a part of the Compensation Plan since these may vary between the minimum set by the Fair Labor Standards Act and the minimum of the Compensation Plan.
- B. The rates of pay for "non-classified positions" shall be set by the Board of County Commissioners as part of the annual budgeting process.

Section 2 - New Appointees

- A. Generally, a new employee shall be paid the minimum rate of pay for the class. Exceptions may be granted upon the prior approval of the Director of Human Resources, County Manager or Board of County Commissioners in the following cases:
 - 1. The minimum rate for each class is based upon the requirement that a new employee meets the minimum qualifications stated in the class specifications. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should begin at one or possibly two grades below the minimum rate of the class.
 - 2. If a new employee more than meets the minimum qualifications, and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher rate of pay. This practice should be used in emergencies only. Cases should be thoroughly analyzed and measured against objective standards. In addition, every effort should first be made to recruit the best qualified employee who will accept appointment at the minimum rate of the class.
- B. All new employees are on probation during the first six (6) months of employment.* Termination may occur at any time during the probationary period. The probationary period may be extended for an additional time, not to exceed six (6) months, upon request of the Division Director and approval of the Director of Human Resources.

Section 3 - Promotions

- A. ** When an employee is promoted to a position in a higher grade, the employee's current rate of pay shall be increased by [7] 10% of that rate of pay for the first grade and 7% for any subsequent grades, or to the minimum of the new grade, whichever is higher. For example, if an employee is promoted from grade 8 to grade 9, the rate of pay would increase by 10% or to the minimum of the new grade, whichever is higher. If an employee is promoted from grade 8 to grade 11, the rate of pay would increase 24% (10% for the first grade and 7% for each of the two subsequent grades) or to the minimum of the new grade, whichever is higher. However, the new rate of pay cannot exceed the maximum of the new grade.
- B. Whenever possible, classified employees working for Frederick County shall be considered for promotion for positions which become available. Outside applicants will be considered thereafter.

Section 4 - Upgrades

When an employee is promoted to a position in a higher grade due to meeting the requirements of service time, additional education and training, and satisfactory performance, these promotions shall be considered an upgrade. The employee's current rate of pay will be increased by [3.5] 7.0% of that rate of pay, or will be increased to the minimum rate for the higher grade, whichever is higher.

Section 5 - Acting Capacity Pay

When an employee is temporarily assigned to perform duties of a position in a higher grade, the employee's current rate of pay shall be increased by [7]10% of that rate of pay for the first grade and 7% for any subsequent grades, or to the minimum of the new grade, whichever is higher. (See examples in Section 3A) This increase shall apply only to those temporary assignments which are to be at least thirty (30) days in duration and shall commence with the first full day of such employment. At the conclusion of the acting capacity assignment, the employee will return to the position from which he/she was assigned and to the rate of pay in effect prior to the assignment. The previous rate of pay will be adjusted to reflect annual increases and economic adjustments, if applicable. However, if the length of the acting capacity assignment exceeds twelve months, when the employee returns to his/her previous position, the rate of pay will be calculated as a voluntary demotion, as stated in Section 6B. If an employee is promoted to a position after serving in an acting capacity, the promotion salary increase will be based on the employee's pre-acting capacity wage; however, the employee's salary after promotion shall not be less than the acting capacity wage. Acting capacity compensation shall be authorized by the Division Director and the Director of Human Resources.

* The probationary period for certain positions as designated by the Sheriff in the Frederick County Sheriff's Office is 18 months. The probationary period for certain positions as designated by the Director of the Division of Fire and Rescue Services is 18 months.

** Section 3A does not apply to employees promoted from other County positions into the position of Deputy Sheriff with the Sheriff's Office. The rate of pay for these employees will be adjusted to equal the base of the grade for Deputy Sheriff. Refer to Chapter I, Section 9.

Chapter III – Compensation Plan (continued)

Section 6 - Demotions

When an employee is demoted to a [lower class] position **classified in a lower pay grade**, or when an employee [of a higher class position] applies for a **position classified in a lower [class position] pay grade** and is approved, the employee shall be paid at a rate [which is] within the approved range for the **new position in the lower pay grade [class position]**.

- A. Involuntary Demotion: In the case of a demotion for disciplinary reasons, the employee's current rate of pay will be reduced by **the greater of 7% of that rate of pay for each reduction in grade up to a maximum of 14%, or the amount necessary to bring the rate to the maximum of [and placed within] the lower pay grade range.** [(t)The new salary cannot fall below the minimum or above the maximum of the new grade[]]. (Refer to Chapter VI, Section 3)
- B. Voluntary Demotion: In the case of a voluntary demotion, the employee's current rate of pay shall be reduced by **the greater of 3.5% of that rate of pay for each reduction of grade to a maximum of 7%, or the amount necessary to bring the rate to the maximum of [and placed within] the lower pay grade range.** However, if the employee is promoted and then voluntarily returns to the position from which he/she was promoted within one year, the employee will return to the rate of pay in effect prior to the promotion. The previous rate of pay will be adjusted to reflect annual increments and economic adjustments received after the promotion date, if any.

Section 7 - Part-time Employment

Part-time employees will be paid the hourly equivalent of the annual salary assigned to the position for which they are hired.

Section 8 - Annual Increments[; Effective Date of Increments]

- A. The salary ranges adopted in conjunction with the Compensation Plan provide for annual increments based upon an employee's overall performance ratings, but the implementation of these increases shall be the decision of the Board of County Commissioners during the annual budgeting process. The regular increase consists of the annual increment which is 3.5% of the midpoint of the employees' current grade. In addition, the Board of County Commissioners may determine that an economic adjustment will also be available and will be a part of the regular increase.
- B. Based on the decision of the Board of County Commissioners that an annual increment will be provided, the following shall be the conditions of those to receive increments.
 1. Employees employed for an entire fiscal year will be eligible to receive the full increment.
 2. Employees who are hired during the fiscal year will be eligible to receive a pro-rated increment based upon 1/12 of the increment for each full month or portion of a month employed during the fiscal year.
 3. An employee who has a leave of absence (any type) for more than ninety (90) calendar days in any fiscal year shall be eligible to receive a pro-rated increment for the number of months actually worked, based upon the formula in Section 8B2 above.
- C. Based on the Pay for Performance System and the decision of the Board of County Commissioners to fund Pay for Performance, regular employees may be eligible to receive the following:

Final Performance Range	Bonus Amount	Final Performance Range	Bonus Amount
3.5 – 3.59	\$500	4.3 – 4.39	\$900
3.6 – 3.69	\$550	4.4 – 4.49	\$950
3.7 – 3.79	\$600	4.5 – 4.59	\$1,000
3.8 – 3.89	\$650	4.6 – 4.69	\$1,050
3.9 – 3.99	\$700	4.7 – 4.79	\$1,100
4.0 – 4.09	\$750	4.8 – 4.89	\$1,150
4.1 – 4.19	\$800	4.9 – 5.0	\$1,200
4.2 – 4.29	\$850		

1. Overall rating of "3" (2.5 – 3.49) (meets standards/expectations) - 100% of regular increase

2. Overall rating of "2" (1.5 – 2.49) (fails to meet standards/expectations) - 50% of regular increase
3. Overall rating of "1" (1 – 1.49) (unsatisfactory) - no increase

Chapter III – Compensation Plan (continued)

Section 9 - Overtime*^u

- A. When an employee's actual hours worked exceed 40 hours in one week, any additional hours worked authorized by the Division Director, may be paid at a rate one and one-half times the employee's regular hourly rate.
- B. In the event of an emergency caused by unusual and adverse weather conditions, and/or an event that adversely affects the normal operations of a County facility, that requires County employees to work other than their regularly scheduled working hours, the employee may be paid 1½ times his/her regular hourly rate for the excess hours whether or not his/her total work week hours exceed 40 hours, if authorized by the Division Director.
- C. This section only applies to those employees whose positions are designated as non-exempt in the position classification schedule.

Section 10 - Interpretation

The Director of Human Resources shall be responsible for interpreting the application of the Compensation Plan to pay situations which are not specifically covered by these rules, using the principles expressed herein as a policy guide.

* This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9.

^u Overtime is computed differently for Firefighters and certain employees of Citizens Nursing Home.

CHAPTER VII*

SEPARATIONS

Except as otherwise provided for by statutes or by resolutions of the Board of County Commissioners, the following provisions govern separations affecting regular employees[in the classified service]. **When an employee separates from employment with Frederick County, the separation date will be the last day the employee actually works. Leave cannot be "run out" prior to the separation date, and holidays that follow the separation date will not be paid.**

All separations of regular employees [from positions in the classified service]shall be designated as one of the following types and shall be accomplished in the manner indicated.

Section 1 - Retirement

Any employee who is eligible may retire in accordance with the procedure established by the retirement/pension plan in which the employee participates.

Section 2 - Resignation/Quit

- A. To resign in good standing an employee should give his/her Division Director at least fourteen (14) calendar days prior written notice. Normally, failure to comply with this rule shall be entered on the service record of the employee, shall result in a denial of re-employment rights, and shall result in a reduction of accumulated annual leave by one day for each calendar day less than the required fourteen days notice.
- B. An employee who fails to report to work for three consecutive work days without authorized leave shall be separated from the payroll and reported as "quit". An employee who quits under these conditions may be ineligible for re-employment.
- C. A Division Director, with the approval of the Director of Human Resources, may exempt from any or all of these penalties an employee who has given less than the required notice, if in his/her judgment exceptional circumstances warrant such exemptions.

Section 3 - Lay-offs

- A. Any involuntary separation for other than disciplinary reasons shall be considered a lay-off.
- B. When it becomes necessary to reduce the working force in any department because of the lack of funds or other causes, factors to be considered in making the decision may include: past performance, length of service with the County, and length of service in a class. In the event of a lay-off, the County shall attempt to transfer the employee(s) affected to another department, without reduction in seniority, and if possible, without reduction in pay.

Section 4 - Death

When a regular employee dies while in the classified service of the Human Resources system of Frederick County, the salary due the employee plus his/her accumulated annual leave shall be paid to a named beneficiary designated by the employee, or in the event no beneficiary has been named, to his/her surviving spouse, and if there is no surviving spouse, to the personal representative of his/her estate or the parties entitled to the estate, as defined in the General Laws of the State of Maryland pertaining to the distribution of personal property.

Section 5 - Disability

A Division Director may direct any employee under his/her jurisdiction to be examined by a County appointed medical professional. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes his/her continuance on the job a danger to the employee or others, the following action shall be taken:

- A. An attempt will be made to make a reasonable accommodation in the current position. If this is not possible, an attempt will be made to place the employee in a vacant position where the employee is able to perform the essential job functions for that position.
- B. If the employee cannot be placed satisfactorily in another position, or a reasonable accommodation cannot be made, the Division Director shall separate the employee from the County service. The employee will be provided with information concerning their benefits prior to separation.

Section 6 - Dismissals

All dismissals are made by the appropriate Division Director through the Director of Human Resources. No dismissal of a regular employee shall take effect until a Division Director gives to such employee a written statement setting forth the reasons therefore and his/her appeal rights and the employee is given an opportunity to respond to the reasons given for the dismissal. An employee who has been dismissed shall be paid for his/her accrued annual, holiday, and compensatory leave, and may be denied re-employment rights.

Section 7 - Appeal Procedure

Any separation action provided in this Chapter may be appealed through one of the procedures as provided in Chapter IX - Appeals Procedure.

* This Chapter does not apply to certain Directors. Refer to Chapter I, Section 12.

CHAPTER VIII

ABOLISHMENT OF DIVISIONS, SECTIONS OF DIVISIONS OR POSITIONS; MERGER OF DIVISIONS OR SECTIONS OF DIVISIONS INTO NEW DIVISIONS; TRANSFER OF POSITION FROM ONE DIVISION TO ANOTHER DIVISION; INTER-DIVISION TRANSFERS; RECLASSIFICATION; REINSTATEMENT

Section 1 - Abolishment of Divisions or Sections of Divisions or Positions

When a Division (Agency, Board or Commission), a section of a Division or a position or positions are abolished as no longer serving the best interest of the County, every effort shall be made to provide the affected classified employees of that Division, section of a Division, position or positions, other job opportunities within their qualifications and skills. This does not guarantee the affected employee's position in the same class and rate of pay previously held.

- A. If another job opportunity is unavailable for employees falling under this condition, or if the employee does not wish to accept another offered position, the employee is to be terminated upon the date the change is to be effected.
- B. Severance pay shall be extended to employees terminated under the foregoing paragraph who are not offered another job opportunity on the following basis: 0 to 1 year of service: six and one-half (6 ½) days of pay; 2 to 10 years of service: thirteen (13) days of pay; 10 years and more of service: nineteen and one-half (19 ½) days of pay.

Section 2 - Merger of Divisions or Sections of Divisions

When a Division (Agency, Board or Commission) or a section of a Division is merged into a new or existing Division, employees of the merged Division or section of a Division shall be given job opportunities, if available, within their skills and qualifications within the new Division, but not necessarily within the same class and rate of pay previously held.

If an employee fails to accept the job opportunity presented, the employee is to be terminated upon the date the merger is to take place and shall not be eligible for severance pay.

Section 3 - Transfer of Position from One Division to Another Division

When a position is transferred from one Division to another Division, the employee in the position shall move with that position at the same class and rate of pay. If the employee involved refuses to move with the position, the employee is to be terminated upon the date of transfer and shall not be eligible for severance pay.

Section 4 - Inter-Division Transfers*

A transfer of an employee from one Division to another must have the approval of the Director of Human Resources. An employee who is transferred shall continue at the same pay rate except as otherwise provided.

Section 5 - Reclassification

- A. When an employee's position is reclassified to a higher salary grade, the employee's current rate of pay will be increased by 3.5% of that rate of pay for each grade, or increased to the minimum of the new grade, whichever is higher. **For example, if an employee's position is reclassified from grade 8 to grade 10, the employee's current rate of pay will increase 7% (3.5% X 2) or to the minimum of the new grade, whichever is higher.**
- B. When an employee's position is reclassified to a lower salary grade, he/she shall be placed within the lower grade range at the same rate of pay.; provided, however, that if the current rate of pay is greater than the new grade range maximum, the rate of pay will be reduced to the maximum of the new grade range.] **However, if the rate of pay exceeds the maximum of the lower grade, the employee will not be eligible for annual increments or economic adjustments until the rate of pay falls within the lower grade range.**

Section 6 - Reinstatement

Any former employee who has resigned in good standing may be reinstated, if a vacancy exists, to the same or similar position with the same Division from which he/she resigned within one year of the date of resignation. The employee may be reinstated at the same rate of pay in the pay schedule which he/she had received but cannot be reinstated at a higher rate of pay. An employee reinstated under this section is eligible for all benefits accorded with his/her adjusted date of employment. An employee who is reinstated to regular employment under this section will have his/her original entry date adjusted for the purpose of annual leave and sick leave computations.

Section 7 - Appeal Procedure

Actions under this Chapter may be appealed through one of the procedures as provided in Chapter IX - Appeals Procedure, as applicable.

* This Section does not apply to employees transferred from other County divisions into the position of Deputy Sheriff with the Sheriff's Office. Refer to Chapter I, Section 9.

CHAPTER X

ATTENDANCE, HOLIDAYS AND LEAVE

Section 1 - Hours of Work

The hours of work for all County employees shall be determined by the Board of County Commissioners.

Section 2 - Attendance

Each Division Director shall be responsible for the attendance of all persons in his/her department.

Section 3 - Holidays *□

A. The following days are designated as regular holidays for employees in the classified service. The dates of these holidays will be determined by the Board of County Commissioners.

New Year's Day
Martin Luther King, Jr. Day
Presidents' Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day

Primary, General and Special Election days as they may occur

B. When a holiday falls on Saturday, employees shall be entitled to the Friday preceding said Saturday in observance of such holiday. Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. Holidays which occur during annual leave shall not be charged against annual leave.

C. Clarification of holiday work: In order to eliminate any confusion among employees who are working in departments/divisions that must operate on a regular 24-hours a day, seven days a week schedule, or on a regular six or seven days a week schedule, or on a schedule that is necessary to provide a public service on certain holidays, the following policy is hereby implemented:

1. In those departments and/or divisions where the regular work schedule calls for work on certain holidays (such as may be the case in Parks and Recreation, Department of Aging and any other department/division that may be specified as coming under this provision) in order to provide a service or convenience to the general public, employees of these departments shall be given another "paid day off" in lieu of the holiday.
 - a. Employees working holidays under this provision shall be paid at their regular hourly rate.
 - b. A record of employees who work holidays and are eligible to accrue a "paid day off" will be maintained by the payroll department. This "paid day off" shall be requested by the employee in writing in advance of the actual "paid day off" in order that the Division Director may make any arrangements necessary so the absence does not put an uncalled-for burden on the work of the department and/or division.
 - c. "Paid days off" in lieu of holidays must be taken within the calendar year of the holiday that created the "paid day off" benefit.
2. In those departments and/or divisions that must operate on a regular 24-hours a day, seven days a week schedule, or where the regular work schedule calls for work on holidays due to the nature of operation of the department/division (such as the Adult Detention Center, Landfill, Citizens Nursing Home and Emergency Communications Center, and any other department/division that may be specified as coming under this provision) the employees shall be paid at their regular rate for hours worked plus their regular "holiday pay".
 - a. If an employee desires to waive the regular "holiday pay" and receive a "paid day off" at a later date, he/she shall make that decision prior to actually working the holiday and notify in writing on a standard request form, the Division Director who shall keep a record of all such requests.

* This Section does not apply to certain employees of the Sheriff's Office. Refer to Chapter I, Section 9.

□ This Section does not apply to certain employees of the Division of Fire and Rescue Services.

Chapter X - Attendance, Holidays and Leave (continued)

- b. "Paid days off" in lieu of holiday pay must be taken within the calendar year of the holiday that created the "paid day off" benefit.
- c. Under no circumstances is an employee entitled to "holiday pay" and a "paid day off" for the same holiday.
- 3. In those departments and/or divisions that must operate on a regular 24-hours a day, seven days a week schedule, or in those departments/divisions that have a regular schedule that calls for work on a holiday, and it happens the schedule provides for the "holiday" being an employee's regular day off, the employee is NOT TO BE PAID for the holiday at the time the holiday occurs. Instead, he/she is to be given a "paid day off" during his/her regular work schedule in lieu of the "holiday". This "paid day off" must be provided and used by the employee within the calendar year of the holiday that created the "paid day off" benefit.
- D[4]. Holiday pay and "paid day off" pay is the same rate of pay for the same number of hours paid to [provided] the employee for a regular working day, but never to exceed a total of eight hours.
- E[5]. Holiday pay and "paid day off" pay SHALL NEVER BE COMPUTED in any work week as contributing to an overtime rate of pay.
- F[6]. A Division Director may authorize any employee to work a holiday and receive a "paid day off".
- G[7]. The County Manager or his/her designee may authorize "paid days off" in lieu of holidays to be carried over to the following calendar year for good cause.
- H. **Accumulated holidays will be paid at the date of separation; however, an employee will not be paid for a holiday if he/she does not work after the holiday occurs.**

Section 4 - Annual Leave

- A. Annual leave is granted to an employee based upon the length of employment.
 - 1. Employees with up to two years of service earn annual leave at the rate of nine and three-fourths (9 $\frac{3}{4}$) days per year.
 - 2. Employees with two to ten years of service earn annual leave at the rate of sixteen and one-fourth (16 $\frac{1}{4}$) days per year.
 - 3. Employees with ten years of service or more earn annual leave at the rate of twenty-two and three-fourths (22 $\frac{3}{4}$) days per year.
- B. The maximum number of annual leave days an employee can carry over from one calendar year to the next is thirty (30) days. Any days in excess of thirty will be converted to sick leave in the first pay period of the subsequent calendar year. The County Manager may authorize an employee to carry over more than 30 annual leave days from one calendar year to the next if the County Manager determines that an extraordinary project reasonably prevents that employee from taking annual leave during the calendar year.
- C. An employee must have been employed for six (6) consecutive months before he/she can take annual leave.
- D. Annual leave cannot be authorized until it has been accrued.
- E. No allowance shall be made for sickness or incapacity of an employee on annual leave.
- F. Under proper termination procedures as defined in Chapters VI, VII and VIII, an employee shall be entitled to be paid for all accrued and unused annual leave. **Annual leave cannot be "run out" prior to the date of separation.**
- G. Requests for leave: Leave may be taken only after approval by the appropriate authority, but every employee shall be afforded the opportunity to take annual leave during the year, if properly requested.
- H. Annual leave may be used, if requested properly, for vacation purposes or for portions of a day used for personal reasons.

Section 5 - Sick Leave

- A. Sick leave will be granted to an employee by the same procedure set forth for annual leave in Section 4 of this chapter.
 - 1. There shall be no limit upon the amount of sick leave an employee may accumulate. Sick leave may be taken by an employee from the date of his/her employment.
 - 2. When sick leave is permissible:
 - a. Sick leave shall be allowed in case of the employee's actual sickness or disability, including pregnancy of the employee, and necessary medical and dental appointments.
 - b. Sick leave shall also be allowed for the purpose of caring for the actual sickness, disability, or necessary medical/dental appointments of an employee's child, dependent, spouse, parent, or parent-in-law.
 - 3. In order to receive compensation while absent on sick leave the employee must notify his/her supervisor prior to or within one hour after the time set for beginning his/her daily duties, unless the employee is so ill as to be incapable of notification.

Chapter X - Attendance, Holidays and Leave (continued)

4. The Director of Human Resources, upon written request by the Division Director or appropriate authority, may require that the employee be examined by a County appointed medical professional at any time.
5. The Division Director, or appropriate authority, with the approval of the Director of Human Resources, in order to prevent abuse of sick leave or to assure medical attention for an employee, may institute a policy whereby an employee may be required to submit a medical certificate signed by a duly licensed medical professional which authenticates a period of illness of one day or more. Examples of sick leave abuse may include, but are not limited to, the following:
 - a. Any pattern of sick leave usage, such as the use of six days in a six month period, one or two days at a time.
 - b. Habitual sick leave absences on Mondays, Fridays, and/or the days immediately before and after holidays.
 - c. Any employee who has no significant accumulation of sick leave after at least three to five years of service, without sustaining a major illness during that time period.
6. Employees suspected of abusing sick leave privileges will be notified and appropriate disciplinary action taken.
7. Upon termination of employment, an employee SHALL NOT be paid for any accrued and unused sick leave.
- B. Returning from sick leave: Upon returning from sick leave, the County may request from an employee a certification from a licensed medical professional or a County appointed medical professional that he/she is able to perform all the duties of his/her position to 100% capability.
 1. If any employee cannot perform the duties of his/her position up to 100% capability, he/she may be refused the right to return to work until this capability is reached.
 2. If, as a result of an illness, an employee cannot perform the essential job functions of his/her position, upon the employee's request, an attempt will be made to make a reasonable accommodation and to place the employee in a position where he/she is capable of performing the duties which the position requires. If a reasonable accommodation cannot be made, the Division Director shall separate the employee from the County service.

Section 6 - Sick Leave Incentive

- A. In an effort to reward those regular employees who sparingly use their sick leave, the County will, at the end of every calendar year, pay employees for up to three (3) days of pay not to exceed \$75.00 per day. If an employee goes throughout the twelve (12) month period between the first pay period in January and the last pay period in December without using any sick leave, the County will pay a three (3) day bonus to that employee not to exceed a maximum payment of \$75.00 per day. If an employee uses one (1) day sick leave, he/she will receive a two (2) day bonus and if the employee uses two (2) days sick leave, he/she will receive a one (1) day bonus. Any portion of a day will be paid on a prorated basis. Use of three (3) days sick leave or more during any calendar year will warrant no additional pay.
- B. If an employee uses sick leave due to a work related injury or must visit a medical professional at the direction of the County due to a past work related injury, the time used will not adversely affect the calculation of the sick leave bonus.
- C. To be eligible for this bonus, a regular employee must be employed with the County at least 12 months as of the last pay period in December.
- D. If an employee donates sick leave through the sick leave donor program, the sick leave donated will not adversely affect the calculation of the sick leave bonus.

Section 7 - Annual Leave and Sick Leave Records

- A. Regular employees shall have their annual leave and sick leave records recorded on each pay period's check stub. Regular part-time employees are entitled to accrue a proportionate percentage of annual, holiday and sick leave[s] in relation to the work hours of regular full-time employees for the same position.
- B. An employee shall not be allowed to accumulate annual, holiday and sick leave while on sick leave or Worker's Compensation in excess of sixty (60) working days in a 12 consecutive month period.
- C. If an employee is on sick leave in excess of sixty (60) consecutive working days, or a combination of sick leave days in excess of sixty (60) working days in any calendar year, his/her beginning date of employment will be adjusted to the total number of days over sixty (60) for computing annual and sick leave only.

Section 8 - Extended Sick Leave (When earned sick and annual leave are exhausted)

If a regular employee has an extended illness or is absent as a result of an off-duty accident for an extended period of time, and has used all of his/her sick leave and annual leave, the County provides, upon proper application to the Department of Human Resources, an extended sick leave benefit that provides payment of one-half the employee's weekly salary for the remaining period of illness up to one year from the date the extended sick leave began. This benefit may not exceed one year in a three year period. The Director of Human Resources may request that the employee be examined by a County appointed medical professional at any time.

An employee shall not be allowed to accumulate annual, holiday and sick leave while on extended sick leave.

Section 9 - Sick Leave Donor Program

A sick leave donor program has been established to assist employees who have exhausted all of their accrued leave. Parameters of this program are available under separate cover from the Department of Human Resources. Under this program:

- A. A regular employee may donate leave hours (of any type) on an as-needed basis, to another regular employee who meets the criteria.
- B. Any regular employee who is eligible to accrue sick leave benefits and has completed 6 months of probationary status is eligible to receive benefits under the sick leave donor program.
- C. An eligible employee may use this benefit in the case of the employee's illness, injury or disability.
- D. An eligible employee may use this benefit for the purpose of caring for the illness, injury or disability of his/her child, dependent, spouse, parent or parent-in-law.
- E. This benefit is limited to 60 working days within 12 consecutive months.

Section 10 - Military Leave

- A. A regular employee who leaves the service of the County for the purpose of enlisting in the armed forces of the United States (armed forces means U.S. Army, U.S. Air Force, U.S. Marines, U.S. Navy, U.S. Coast Guard, U.S. Public Health Services, and any special military unit under the direction of the foregoing branches of service), shall be granted a leave of absence without pay and shall be entitled to be reinstated in his/her former job classification or to a position of like seniority status and pay grade unless the circumstances of the County have so changed as to make it impossible or unreasonable to do so. This leave shall not be granted beyond the first voluntary enlistment unless a national emergency exists.
- B. A regular employee who is drafted or recalled to active duty by reason of his/her reserve or other status shall be granted a leave of absence without pay and shall be entitled to be reinstated in his/her former classification or to a position of like seniority status and pay grade unless his/her position has been abolished in the time between his/her last day of work and application for return. This leave shall not be granted beyond the first voluntary enlistment unless a national emergency exists.
- C. Application for reinstatement shall be made as follows:
 - 1. Application for reinstatement must be made within ninety (90) days after discharge from active service or within one year if hospitalization continues after discharge; and
 - 2. Employee presents copy of honorable discharge or certificate showing satisfactory completion of service.
- D. Any regular employee who is a member of any United States military reserve or national guard unit and is required to engage in annual training exercises will be granted leave with pay for a period of time not to exceed fifteen (15) days in one year, if it will not result in harm to the interest of the County. County compensation will continue in effect during the time of military leave.
- E. When an employee returns from a military leave of absence, and the original position is upgraded or reclassified, the employee is eligible for the upgraded/reclassified position if qualified.
- F. No type of military leave shall be deducted from other types of leave earned by the employee.
- G. An employee returning from military service shall have a maximum of one year's service credited toward his/her length of service with the County for leave accrual purposes only.
- H. Temporary employees as defined in Chapter IV, Section 2 are not included.

[Section 11 - Educational Leave] Section 11 - Educational Leave

A regular employee may be given educational leave without pay for the purpose of taking courses directly related to his/her work. Request for such leave must be approved in advance by the Division Director and the Director of Human Resources. Since the time required for educational leave may vary from case to case, the Director of Human Resources may review and decide the merits of each case.

Section 12 - Bereavement Leave

- A. Permission for leave for maximum periods of three (3) working days, depending on need, shall be granted to any regular or probationary employee by the Division Director in the event of death of one of the following members of the family: spouse, children, parents of employee or spouse or others who took the place of parents, grandparents of employee or spouse, grandchildren, brothers and sisters of employee or spouse, and other relatives living as members of the employee's household. If travel requiring staying away from home overnight is involved, additional days may be allowed and charged against sick leave.
- B. A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of attending the funeral of other people outside of the immediate family. After being granted leave with pay for this particular reason for any day or substantial portion of a day, he/she is expected to return to duty. Failure to return to duty when possible will result in charge to annual leave, or leave without pay.

Section 13 - Jury Leave

A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of serving on a jury. If the employee is excused or released by the Court for any day or substantial portion of a day, the employee is expected to return to duty. Failure to return to duty when possible shall result in charge to annual leave, or leave without pay. To receive his/her regular rate of pay while on jury duty, the employee shall produce evidence to the Department of Human Resources of jury attendance.

Section 14 - Leave Without Pay

A Division Director may grant a regular employee a leave of absence without pay for a period not to exceed one year. Failure of an employee to return to duty upon the expiration of his/her leave without pay shall be interpreted as a resignation. Leave without pay shall be granted only when it will not result in harm to the interest of the County as an employer beyond any benefits to be realized. If the employee is on a leave of absence in excess of thirty (30) consecutive calendar days, his/her beginning date of employment will be adjusted by the total number of calendar days over thirty (30) for computing annual and sick leave only.

Section 15 - Absence Without Leave

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action. In the absence of such disciplinary action, any employee who absents himself/herself for three (3) consecutive working days without leave shall be deemed to have quit. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

Section 16 - Disability Leave

A regular, probationary or temporary (non-County funded) employee who is temporarily disabled in the line of duty shall receive full pay for the period of his/her disability without charge against his/her annual or sick leave, subject to the following conditions:

- A. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Worker's Compensation Act.
- B. If incapacitated for his/her regular employment, the employee may be given other duties with the County government for the period of recuperation. Unwillingness to accept such an assignment as directed by the Division Director or the Director of Human Resources will make the employee ineligible for disability leave during the time involved.
- C. A County appointed medical professional shall determine the physical ability of the employee to continue working or to return to work.
- D. Disability leave shall not exceed ninety (90) working days for any one injury, and after ninety days said employee may, at his/her request, be placed on sick leave.
- E. Payment of disability leave is also contingent upon the assignment of Worker's Compensation checks for the first ninety-day period to the County.

Section 17 - Compensatory Time

- A. All non-exempt employees (i.e. those who are eligible to receive overtime) will be eligible to accrue and use compensatory time.
 - 1. "Compensatory Time" means time worked by a non-exempt employee in addition to the standard work hours in the regular work week for the particular position.
 - 2. Compensatory time must be approved in advance by the supervisor before the time is accrued or used. In addition, the supervisor will decide whether compensatory time will be given instead of overtime or straight time.

Chapter X - Attendance, Holidays and Leave (continued)

3. For a non-exempt employee whose regular work week is 35 hours, compensatory time will be accrued on an hour-for-hour basis for hours worked above 35 in a week but not greater than 40 hours. For all employees, with the exception of Firefighters, hours worked above 40 will be accrued on a 12 hour-for-hour (time and a half) basis.

(e.g. for a 35-hour employee)

37 hours worked = 2 hours compensatory time

42 hours worked = 5 hours + (2 hours x 12) = 8 hours compensatory time

4. *Accumulation of compensatory time will be limited to the employee's regular work week (e.g. 35-hour employees will be limited to 35 hours, 40-hour employees to 40 hours). Accumulated, but unused compensatory time will be paid to non-exempt employees at the time of separation.
 5. Before compensatory time may be approved or accrued, the employee must first sign a Compensatory Time Agreement (Appendix 3). The signed Compensatory Time Agreement will be kept in the employee's personnel file, in the Human Resources office.
- B. Exempt employees (those employees who are designated as exempt from receiving overtime) are not eligible for compensatory time, but can compute pay period hours on a cumulative pay period basis, rather than on a daily basis. (e.g. an employee who is regularly scheduled to work 70 hours in a two-week pay period can work flexible hours during that period as long as the hours total at least 70 during the two-week pay period)
1. Working hours must be approved in advance by the Division Director.
 2. Generally, leave (not compensatory time) must be used for absences of one day or more. This subsection is not intended to allow an exempt employee to work less than a five-day work week on a regular basis, excluding holidays.
 3. As an incentive for working on an extraordinary project, the County Manager may authorize an exempt employee to accumulate compensatory time on a cumulative basis for a time period longer than one pay period. The maximum accumulated compensatory time will be determined by the County Manager. Accumulated but unused compensatory time will not be paid to exempt employees at the time of separation.

Section 18 - Family Leave

- A. In addition to other types of leave mentioned in this chapter, regular employees are eligible for family leave. Upon request and approval, in advance, by the Division Director, regular employees are eligible to receive a total of twelve (12) work weeks of leave (paid or unpaid) during any 12 month period (measured forward from the first date the leave begins) for one or more of the following conditions:
- Birth of a son or daughter;
 - Placement of a son or daughter with the employee for adoption or foster care;
 - Care for spouse, son, daughter, parent or parent-in-law who has a serious health condition; or
 - A serious health condition of the employee.
1. All eligible accrued leave (e.g. annual, sick, holiday and/or compensatory) must be exhausted before family leave can be used and will count toward the maximum total of 12 work weeks of family leave within a 12 month period.
 2. The County will continue the employee's health care coverage at the regular employee's rate as long as all employee contributions are paid during the unpaid leave periods. However, if the employee does not return to work, the employee will be responsible for the County's portion of the premiums for the unpaid leave period. Arrangements must be made with the Human Resources office.
 3. During the unpaid family leave periods, sick leave and annual leave will not be accrued.
 4. While the employee is using family leave, the employee's position will be protected, and the employee will return to the position at the same grade and step at which he/she left.
 5. Whenever the need for family leave is foreseeable, the employee must provide 30 days advance written notice before the leave is to begin.
- B. Whenever the leave request is for a serious health condition, the County will require that a request for leave be supported with certification from the health care provider of the employee, spouse, son, daughter, parent or parent-in-law. Certification form WH-380 must be used.
1. If the validity of the certification letter is in doubt, the County may request that the employee obtain a second opinion, at the County's expense, from a health care provider designated by the County.
 2. If there is a conflict of opinion between the two health care providers, the County may request the employee to obtain, at the County's expense, an opinion from a third provider jointly approved by the County and the employee.

* Accumulation of compensatory time will be limited to 80 hours for Division of Public Works' employees.

Chapter X – Attendance, Holidays and Leave (continued)

C. Family leave shall terminate:

- When the employee, spouse, son, daughter, parent or parent-in-law is no longer affected by the serious health condition;
- If the employee fails to provide documentation to continue the leave when requested;
- When the employee has exhausted the maximum period of time eligible for leave, however the employee may request an additional leave of absence in accordance with the Leave Without Pay section of the Personnel Rules (Chapter X, Section 14); or
- If the employee accepts other employment.

CHAPTER XI

MISCELLANEOUS INSURANCE AND BENEFITS

Section 1 – Worker's Compensation

- A. Frederick County provides full protection under the Worker's Compensation laws of the State of Maryland.
- B. To be sure of coverage under Worker's Compensation insurance, each employee must immediately report any injury sustained to his/her supervisor who, in turn, contacts the Risk Manager for proper action. Failure to report an injury may affect a claim for coverage.

Section 2 - Retirement Systems

- A. On July 1, 1993, Frederick County established the Frederick County Employees Retirement Plan for County employees. The Frederick County Employees Retirement Plan is a defined benefit pension plan. All regular employees hired on or after July 1, 1993, are required to participate in the County's plan as a condition of employment. The majority of support for the plan is provided by the County. However, employees also are required to make contributions to the plan. The amount of the required contribution depends on whether the employee is a uniformed employee or a non-uniformed employee. Retirement benefits are payable at normal, early or delayed retirement. Retirement benefits are also payable at termination, in the event of death or disability. At orientation, employees are provided a summary plan description which explains the plan in greater detail.
- B. Regular employees employed by the County before July 1, 1993, had a one-time option to transfer to the County plan from the Maryland State Retirement or Pension System. Employees who elected to remain as participants in the State plans are subject to the provisions governing those plans.
- C. Employees of the Frederick County Public Libraries participate in the Maryland State Teacher's Pension System.

Section 3 - Social Security

Social Security benefits are provided for County employees through payroll deductions from employees and matching funds provided by the County.

Section 4 - Health Care Plans

Each regular County employee may elect to join a **Medical and/or Dental [Health] Care Plan**. The employee's share of the cost shall be determined in the annual budget by the Board of County Commissioners and will be paid by means of regular payroll deductions.

Complete information on the **Medical and Dental [Health] Care Plans** will be provided for the employees in separate booklets.

Section 5 - Life Insurance

The County provides and pays the premium for insurance equal to two times the regular employee's annual salary (or four times the annual salary in the event of accidental death). The Department of Human Resources will provide beneficiary forms for the employee to complete.

A voluntary life insurance program is offered to regular employees. Through this program regular employees may purchase individually owned life insurance for themselves and for their spouses and dependents. Employees may enroll on an annual basis.

Section 6 - Employee Assistance Program

The County offers an Employee Assistance Program that provides employees and their families confidential assistance in resolving problems that affect their personal lives and job performance. More information may be obtained from the **County Intranet** and Department of Human Resources.

Section 7 - Deferred Compensation Plan

Each regular County employee may elect to join the Deferred Compensation Plan which is a federally approved pre-tax retirement savings incentive program. The County does not contribute on behalf of the employee. **Enrollment, changes to the amount of contribution, and investment changes may be made at any time.** Complete information on the Deferred Compensation Plan may be obtained from the Department of Human Resources.

Section 8 – Long Term Care Insurance

Each regular County employee may elect to purchase Long Term Care Insurance to cover long term nursing home stays or at home health care not covered by the Health Care Plan. Premiums are paid by the employee. Additional information may be obtained from the Department of Human Resources.

Chapter XI – Miscellaneous Insurance and Benefits

Section 9 – Flexible Spending Accounts

The County offers accounts to direct a portion of pay, on a pre-tax basis, for reimbursement of certain health care and dependent care expenses. More information can be obtained from the Department of Human Resources.

CHAPTER XII

EMPLOYEE EDUCATIONAL PROGRAM

[Section 1 – General]

The employee educational program is established for the mutual benefit of both Frederick County Government and the regular employee who has been employed by Frederick County Government for six months or more. The following benefits are available for classes beginning on or after August 15, 2005. Employees taking classes that started before August 15, 2005 are eligible for the benefits in effect prior to this Rule change. [The program has two parts:]

Section 1 – Benefit

- A. The [first part of the program, commonly known as the] County [Plan,] provides **100% of the cost of tuition, books, registration fees, charges per credit hour or similar charges for a regular employee who completes a course from an accredited educational institution, provided the employee earns a grade of "B" or better.**
- B. **If the employee completes the course and earns a "C" grade, the County provides:** a) 75% of the cost of tuition, books, registration fees, charges per credit hour or similar charges for a regular employee who completes a course related to current job requirements or promotional opportunities with Frederick County Government, or b) 50% of the aforementioned costs for **non job-related** courses that are a part of the accomplishment of a degree, certificate or professional or technical accreditation program which may be essential to or a requirement for any promotional opportunities within Frederick County Government.
 - [1. Reimbursement is limited to two (2) courses per semester and to a maximum of \$2,000 per fiscal year.
 2. Courses of study eligible under this program include credit and non-credit courses, correspondence courses, and extension courses.
 3. A grade of "C" or better or the numeric equivalent is required for reimbursement for all credit courses. Non-credit courses, home study courses, and proficiency examinations require a letter from the college or institution or a certificate verifying satisfactory completion.
 4. Mileage allowances or other travel reimbursements are not considered as a part of this program
 5. All requests for educational funds must be approved or disapproved by the Division Director concerned, and directed to the Director of Human Resources for final action PRIOR to the registration for the course.]
- [B. The second part of the program, commonly known as the Frederick Community College (FCC) Plan, provides:
 1. The waiver of the cost per credit hour for employees enrolled in courses at FCC that relate to current job requirements or promotional opportunities with Frederick County Government, or
 2. The waiver of the cost per credit hour for employees enrolled in courses that are not job related but are a part of the accomplishment of a degree, certificate or professional or technical accreditation program. These costs will again be waived if the employee has taken a job related course the previous semester. The same conditions outlined in Section 1A #1-5 above apply to the second part of the program known as the FCC Plan.]
- C. **Benefits are subject to the following conditions:**
 1. **Reimbursement is limited to two (2) courses per semester up to a maximum benefit of \$3,000 per fiscal year.**
 2. **Courses of study eligible under this program include credit and non-credit courses, home study courses, and proficiency examinations.**
 3. **Documentation of a grade of "C" or better or the numeric equivalent is required for reimbursement for all credit courses. Non-credit courses, home study courses, and proficiency examinations not subject to grading require a certificate or a letter from the college or institution verifying satisfactory completion.**
 4. **Mileage allowances or other travel reimbursements are not considered eligible expenses in this program.**
 5. **All requests for educational funds must be approved or disapproved by the Division Director concerned, and directed to the Director of Human Resources for final action PRIOR to the registration for the course.**

Section 2 - Application Procedures and Use of Request for Education ■ Reimbursement [Funds]

- A. Application for educational funds will be made on a Request for Educational Reimbursement [Funds] form.
- B. The employee should describe as completely as possible the courses for which he/she is requesting reimbursement.
- C. All requests [for funds] shall first be presented to the Division Director for his/her approval [recommendation].
- D. The employee and Division Director shall determine whether the required course is directly related to his/her position.
- E. The Director of Human Resources shall indicate the final action and return the original to the employee.
- F. When the application has been finally approved and returned to the employee, he/she may enroll for the approved course and may expect to **receive benefits** [be reimbursed] in accordance with the commitments made on the Request for Educational Reimbursement [Funds].
- G. Upon completion of the approved course, the employee shall forward to the Director of Human Resources the

following:

1. Original copy of the Request for Educational Reimbursement [Funds]certifying his/her completion of the course,
 2. Copy of grades or other evaluation, and
 3. Copy of invoices showing the amounts **paid by the employee for the course** [due the employee].
- H. [4.] For courses taken at FCC or other educational institution with a direct-billing agreement with the **Employee Educational Program**, the cost per credit hour and fees have [has] already been waived. **However [Therefore], the employee must provide a copy of grades or other evaluation with the receipt for books to be considered for benefits.**
- [H. The Human Resources office shall record the amount to be reimbursed on the original Request for Education Funds, attach a copy of the grade(s) and any receipts and forward to the Accounting office for payment].
- [I. The Accounting office will verify cost and prepare the final check.]

[Chapter XII - Employee Educational Program (continued)]

Section 3 - Conditions for Reimbursement

- A. [For the County Plan, the course must be completed with a **minimum** grade of C or equivalent.]If the employee withdraws from the course before completing same, reimbursement will not be made by the County **and the employee is responsible for reimbursing all amounts pre-paid by the County.**
- B. [For the FCC Plan, the course must be completed with a **minimum** grade of C or equivalent.] In the case where an employee does not receive a grade of C or better, the employee will be responsible for reimbursing the County for all costs **pre-paid by the County** for the course taken. **If the employee receives a grade of C, he/she is responsible for reimbursing the County for the difference, if any, of pre-paid amounts and the eligible benefit under the program as described in Section 1B.**
- C. If the employee leaves County employment within the period of one year after completion of the course, he/she will reimburse the County for the course taken.
- D. If the County's employee educational program is used in conjunction with any other scholarship, grant or other educational benefit, the County will consider reimbursement of covered costs remaining after application of payment from such other benefit source(s). The amount reimbursed by the County will be the lesser of a) the actual amount applicable under the appropriate Frederick County plan, or b) the portion of remaining costs eligible under the appropriate Frederick County plan which, when paid, will result in the employee having received a cumulative 100% reimbursement of covered costs through all of his/her educational benefit sources.